

Exhibit 23

Deposition of Shannon Knapp
(April 11, 2017) (excerpted)

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Cung Le, Nathan Quarry, Jon)
Fitch, on behalf of)
themselves and all others)
similarly situated,)
)
)
Plaintiffs,)
)
v.) Lead Case No.
) 2:15-cv-01045-RFB-(PAL)
Zuffa, LLC, d/b/a Ultimate)
Fighting Championship and)
UFC,)
)
Defendant.)
_____)

CONFIDENTIAL

VIDEOTAPED DEPOSITION OF SHANNON KNAPP

KANSAS CITY, MISSOURI

April 11, 2017

9:13 a.m.

Reported By:
Kay Merley, RMR, CRR
Job No. 49614

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	58		60
1	so for me, you know, I -- it doesn't, you 2 know, up my profile of Invicta or anything 3 like that, but it does make a difference for 4 the women in the sport. I mean, it's not 5 putting more money in my bank account for 6 Invicta. It's not making us more lucrative, 7 so -- but does it -- I would be sending those 8 athletes anyway. It's just kind of like an 9 extended courtesy.	1	Q. So I'd just like to talk about on the second page, the third full paragraph starts with the words "in keeping." And it says, "In keeping with the goal of providing the best opportunities possible, Knapp will work in partnership with other promotions to ensure that fighters are able to stay busy. Knapp states that Invicta FC fighters will all be paid a fair market value, but given that her promotion will likely stick to four events per year, she understands that that may not be enough to get every fighter the fight that she wants -- the fights, excuse me, that she wants or needs."
10	Q. Okay.	10	So there's -- first of all, this paragraph is paraphrasing you, but is there any reason to believe you didn't -- that it misrepresents your position or misrepresents -- misrepresented your position at that time.
11	MR. RAYHILL: So I guess we're going 12 to go -- in terms of exhibit numbers, we'll 13 just start with Knapp 1.	11	MR. WIDNELL: Objection, foundation.
14	(Deposition Exhibit 1 was marked for 15 identification.)	12	A. So I think that when you read that paragraph, 13 I think that you definitely have to look at 14 the fact that I state, you know, I'm only 15 going to do about four events a year, so if I
16	A. Should have brought my glasses, huh?	16	sign talent, four events, I can't keep those 17 athletes busy, so, you know, that was my basis 18 for saying that, you know, I'm going to work 19 with other promotions, but I work with other 20 promotions anyway, so...
17	Q. (By Mr. Rayhill) Not all of them -- the print 18 is particularly small in this one.	21	Q. And so four events a year is not enough for a 22 fighter to --
18	A. It's away -- it's like...	22	A. No, I mean, not if you have a lot of athletes. 23 And you have to remember, when I started 24 Invicta, I had a bunch of athletes that wanted 25 to fight. I mean, there's no way I could keep athletes busy with four fights a year.
19	MR. DURBIN: You want me to hold it?	23	Q. So in order to keep the -- get the athletes 24 enough fights, you would work with other 25 promotions?
20	A. Not that bad, not that clear over there. So 21 this is an interview or something, right?	24	A. Yeah.
21	MR. WIDNELL: Have you produced this 22 to us?	25	Q. And Jewel was one of those promotions?
22	MR. RAYHILL: No.	25	A. In 2012, I think. I think that's when -- I'm not sure in the beginning if we signed, like, long-term contracts. You know, I'm not sure if we signed -- we might have done -- maybe the first couple shows we did one-offs, you know, which would just be one fight, so I would have to look back, but...
23			Q. Okay. That's all. I'm finished with that
24			
25			

16 (Pages 58 to 61)

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	62		64
1	document.	1	A. Oh, absolutely, once, yeah, one time.
2	MR. WIDNELL: Kevin, could we go off	2	Q. Can you tell me when that was?
3	the record just briefly?	3	A. It would be February of 2015, I believe.
4	MR. RAYHILL: Absolutely.	4	Q. And can you tell me about -- so can you tell
5	THE VIDEOGRAPHER: Stand by, please.	5	me how much financial support they provided?
6	Going off record at 10:23 a.m.	6	A. They just covered an event, so I'd have to
7	(A recess was taken.)	7	look at the figures, you know, to be exact,
8	THE VIDEOGRAPHER: Here marks the	8	but I know they just covered an event, a full
9	beginning of Media 2. Resuming record at	9	event once.
10	10:37 a.m.	10	Q. So when you say they covered the full event,
11	Q. (By Mr. Rayhill) Okay. Does Invicta have a	11	do you mean they paid for all expenses related
12	relationship with -- strike that. Does	12	to that event?
13	Invicta have a financial relationship with	13	A. Yes.
14	Zuffa?	14	Q. Do you recall where the event was?
15	A. What do you mean?	15	A. Yes. At the Shrine in L.A.
16	Q. Well, let me make it a more general question.	16	Q. The Shrine is the Shrine Auditorium?
17	Does Invicta have a business relationship with	17	A. Uh-huh.
18	Zuffa of any kind?	18	Q. Do you recall if Zuffa provided any logistical
19	A. Yes.	19	support for that event?
20	Q. Can you tell me about that?	20	A. In terms of?
21	A. Yes. We have a broadcast distribution deal	21	Q. Did they help you find the venue?
22	with the UFC, which means that we air on UFC	22	A. Yes.
23	Fight Pass.	23	Q. Did they help you sell tickets?
24	Q. And how long have you had that arrangement	24	A. What do you mean by that?
25	with Zuffa?	25	Q. Did they -- well, let's strike that question.
	63		65
1	A. I think I'm going on two years.	1	Did they help you determine the price for the
2	Q. And can you tell me what sort of content, what	2	tickets?
3	sort of Invicta content gets -- let's back up.	3	A. Yes, because I asked for assistance.
4	Does some Invicta content get broadcast on	4	Q. Did they help with advertising for the event?
5	Fight Pass?	5	A. I believe not, other than on the digital
6	A. Yes.	6	platform.
7	Q. And Fight Pass is a subscription service that	7	Q. Was that event broadcast -- when you say the
8	UFC runs; is that correct?	8	digital platform, are you talking about Fight
9	A. Yes.	9	Pass?
10	Q. Can you tell me what kind of content gets	10	A. Yes.
11	broadcast, what kind of -- type of Invicta	11	Q. Okay. Was that event broadcast on Fight Pass?
12	content gets broadcast on Fight Pass?	12	A. Yes.
13	A. Yeah, live events.	13	Q. So when you say they advertised on the digital
14	Q. And how many live events per year, let's say?	14	platform, do you mean that they did
15	A. Six to eight, you know. I mean, this year	15	promotional ads?
16	will be six.	16	A. Right, correct.
17	Q. How many live events does Invicta typically do	17	Q. For the upcoming event?
18	in a year?	18	A. Correct.
19	A. About six. We're looking to do eight this	19	Q. And that was the only event that they provided
20	year.	20	that sort of --
21	Q. Has Zuffa ever provided any financial support	21	A. Yeah.
22	for an Invicta event, a live MMA event?	22	Q. -- financial support for?
23	A. Yeah.	23	A. Yes.
24	Q. And can you tell me roughly how many times	24	Q. And the same for the logistical support,
25	Zuffa has provided financial support?	25	helping find a venue?

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	66		68
1	A. They did help me one other time with a venue.	1	but I do have a fighting license and -- have a
2	Q. Do you remember when that was?	2	license or whatever.
3	A. That would have been, I think, July of 2015.	3	Q. But the only time you did a promotion --
4	Q. Okay. And where was that event?	4	A. Yeah, to date, yeah.
5	A. The Cosmopolitan, the Cosmopolitan in	5	Q. Has Zuffa ever acquired the contracts of any
6	Las Vegas.	6	Invicta fighters?
7	Q. In Las Vegas, okay. And they -- so when you	7	A. Acquired? You mean --
8	say they helped you with the venue, did they	8	Q. Purchased.
9	speak to the venue on Invicta's behalf?	9	A. Yes.
10	A. They introduced me, so -- but, you know, that	10	Q. Can you tell me how often that's happened?
11	would be helping me, assisting me, so...	11	A. Once.
12	Q. Sure. But they did not provide financial	12	Q. Okay. Can you tell me when that was?
13	support?	13	A. December of 2013.
14	A. No, no. Yeah, I took care of everything.	14	Q. Why did Invicta -- first of all, can you tell
15	Q. Okay. Does Invicta hold its fights in an	15	me how many contracts Zuffa purchased at that
16	octagon?	16	time?
17	A. No.	17	A. Not -- not correctly. I mean, I can't
18	Q. Can you tell me about the setting that the	18	remember exactly. I mean, they purchased a
19	fights are?	19	division from me.
20	A. Hexagon.	20	Q. Okay. What division was that?
21	Q. It's a hexagon?	21	A. The strawweight, 115 pounds.
22	A. Uh-huh.	22	Q. Has Zuffa ever acquired the contract of any
23	Q. I see, okay. Has Invicta ever held an event	23	other -- other than that one event you just
24	in an octagon?	24	described, has Zuffa ever acquired the
25	A. Yes. I rented their cage once when I did a	25	contract of another Invicta fighter?
	67		69
1	show in Vegas.	1	A. When you say acquire, what do you mean? Did
2	Q. Do you recall when that show was?	2	they purchase?
3	A. 2015 or '16. '15. Wait, let me think, okay?	3	Q. Purchased it from Invicta.
4	I think it was '16. Yeah. Well --	4	A. No.
5	Q. That's fine.	5	Q. Have you ever offered to provide fighters to
6	A. -- it was at the Tropicana. It's easy to find	6	Zuffa?
7	online.	7	A. Yes.
8	Q. It was at the Tropicana?	8	Q. Do you recall about how often?
9	A. Yeah.	9	A. Well, when I think -- if -- if I offered?
10	Q. And was that -- you paid a licensing fee for	10	What do you mean by offered exactly?
11	the octagon? Did you pay a licensing fee for	11	Q. Did you communicate to Zuffa that you could or
12	the use of the octagon?	12	would provide them with a fighter?
13	A. No. I mean, I am licensed to use an octagon,	13	A. Yeah, if there's a particular athlete that's
14	you know, and I didn't have to pay for that.	14	ready -- wants to move on or something like
15	They authorized. You know, I asked and I just	15	that, then, yeah, I'll speak to them about it.
16	haven't purchased an octagon yet or anything.	16	They never approach my athletes without -- I
17	Q. Okay. But when you say you're licensed, can	17	mean, nine times out of ten, it's my athlete
18	you tell me what that means? Is it an	18	or management approaches them, and then they
19	open-ended agreement that you can use the	19	will call me and let me know that one of my
20	octagon whenever you want, or tell me --	20	athletes is approaching, but there have been
21	A. I'd have to look at it again, but I believe	21	times that I think an athlete -- they're a
22	it's definitely during the duration of my,	22	better home for an athlete, and I have made
23	yeah, business relationship and being on Fight	23	that call and spoke with a matchmaker.
24	Pass. I'd have to look at the document again	24	Q. And so when you say you've made that call,
25	to answer that honestly and correctly, so --	25	you've allowed the athlete to move to the UFC?

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	126		128
1	designated -- if it's designated "attorneys'	1	35 percent to Invicta." And I guess I was
2	eyes only," then only the attorneys can see	2	just hoping, do you know when they refer to
3	it.	3	distribution revenue, do you -- are you aware
4	THE WITNESS: I mean, that's my issue	4	the sources of that revenue?
5	with discussing my business stuff is because	5	A. What do you mean exactly?
6	some of the plaintiffs Tweet stuff, say stuff.	6	Q. Well, let's go through a couple possibilities.
7	I see it. And I don't want my business, my	7	A. Okay.
8	company business, because this has nothing to	8	Q. Are these -- is Invicta's content ever shown
9	do with me, so I don't want my company	9	on a Pay-Per-View basis?
10	business out there. That's the only reason.	10	A. Not Pay-Per-View, on other broadcast
11	MR. WIDNELL: Just for the record,	11	platforms.
12	neither Mr. Rayhill nor I can offer you legal	12	Q. Okay. So your live events are never broadcast
13	advice about how this process works, so you	13	on a Pay-Per-View basis?
14	should really talk to your own attorney about	14	A. Not that I'm aware of.
15	how this could be used. There are some	15	Q. Okay. And they are broadcast on Fight Pass?
16	wrinkles in terms of how it could be used in	16	A. You know what, maybe I take that back, because
17	terms of what's ultimately treated as	17	it has been aired on Sony, like the Play
18	confidential.	18	Station thing, so I don't know if you have
19	THE WITNESS: Okay, thank you.	19	to -- I'd have to -- yeah.
20	MR. RAYHILL: Agree. Thank you,	20	Q. Vague understanding.
21	Nick.	21	A. I don't know what that deal is, but I received
22	THE WITNESS: Thank you.	22	compensation from them directly, from Sony,
23	MR. DURBIN: But we certainly have	23	and the UFC did not take anything out of that.
24	the 21-day right to review it and mark	24	Q. I see. And that was for an event that was --
25	anything that we think should be designated	25	occurred while this --
	127		129
1	either confidential or attorneys' eyes only.	1	A. Yes.
2	MR. RAYHILL: You do have that.	2	Q. I see. Do you remember when that event was?
3	THE WITNESS: And you're very aware	3	A. The Sony thing? No, I mean...
4	of what my concerns are?	4	Q. It's okay.
5	MR. DURBIN: Right, and if we	5	A. 2015, I think it was during that.
6	exercise that right, it will restrict access	6	Q. Okay. Now I really am done with that.
7	accordingly.	7	A. Okay.
8	THE WITNESS: Perfect, thank you.	8	MR. RAYHILL: How's everybody holding
9	Q. (By Mr. Rayhill) Page 7982, Paragraph (b), it	9	up? If everybody's doing okay? I'm fine to
10	says "recoupment revenue share," just looking	10	continue.
11	down to about the sixth line there, maybe	11	MR. DURBIN: Do you want to take a
12	start with the fifth line -- well, all right,	12	break?
13	let's start with the fourth line. It says,	13	THE WITNESS: It's up to you guys.
14	"Zuffa shall first and on ongoing basis recoup	14	MR. DURBIN: Let's plow ahead for a
15	any license fees paid to Invicta." So based	15	few more minutes.
16	on your experience, you know, having been	16	MR. RAYHILL: Okay. Very good.
17	operating under this license agreement for	17	Q. (By Mr. Rayhill) Okay. So when you put on an
18	two-plus years now, does that mean when Zuffa	18	Invicta event --
19	starts getting income from the use of this	19	A. Uh-huh.
20	content, they get the first -- recoup the	20	Q. -- can you tell me what the main expenses you
21	license fee they paid to you?	21	face in putting on an event are?
22	A. Yes.	22	A. The main or the biggest?
23	Q. Is that your understanding? After -- and then	23	Q. Yeah.
24	it goes on, "After which distribution revenue	24	A. Fight cards, production, those are always the
25	shall be split 65 percent to Zuffa and	25	biggest. Well, travel, hotels. I mean, it's

33 (Pages 126 to 129)

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	130		132
1	very expensive. Even at my level it's	1	A. I think he handled the venues, and I think
2	incredibly expensive. I think people don't	2	that was part of operations, however they
3	realize how expensive that -- if you're not	3	classify it there. I'm not sure.
4	really involved in it. It takes a lot of	4	Q. Did Mr. Dropick help you locate a venue?
5	money to do the events.	5	A. Yes, he did. Yes, he did.
6	Q. Okay. And then when you put on a live event,	6	Q. Was it common for Zuffa to have someone help
7	what are your main sources of revenue?	7	you locate a venue for an Invicta event?
8	A. Would be my licensing fee, would be the main	8	A. No, but I never need help. I mean -- I mean,
9	source of revenue, ticket sales, some	9	I'm going to just say that Zuffa's always been
10	sponsorship. That's pretty much it.	10	good to me in the business, you know, that if
11	Q. Okay. But the licensing fee is the largest of	11	I need help, I will ask for it, and they would
12	those three?	12	help me if I asked. But I usually don't need
13	A. Yes. I mean, it's very important.	13	help. This is because we're going into L.A.,
14	Q. Okay.	14	and, you know, it's not someplace I'd done a
15	A. You know.	15	show before, so...
16	(Deposition Exhibit 7 was marked for	16	Q. Okay. And then the last sentence in that
17	identification.)	17	e-mail, it says, "If we come up with a good
18	Q. (By Mr. Rayhill) All set?	18	option, please let Pete work the deal to get
19	A. Yeah, good enough, yeah.	19	the best rates, but, of course, you will have
20	Q. Okay. So you've been handed what's been	20	the final approval." Did Mr. Dropick
21	marked as Exhibit 7?	21	negotiate the venue agreement?
22	A. Uh-huh.	22	A. Yes. You know, the deal just came to me. You
23	Q. It has the Bates number ZFL- 0951222. Do you	23	know, I had made the decision. I always make
24	recognize this document?	24	my own decisions. They don't do a lot of
25	A. Uh-huh.	25	hand-holding with me.
	131		133
1	Q. Can you tell me what it is?	1	Q. Okay. Do you know why Zuffa wanted to do this
2	A. Like we spoke earlier, this is for that show I	2	event -- this event in Los Angeles?
3	did in February at the Shrine Auditorium, and	3	A. Yeah, I mean, I can only assume, you know, was
4	this is discussing where they helped me get	4	that they were doing an event on Saturday.
5	the venue.	5	Fans love it when Invicta goes before them.
6	Q. Okay. Is this an e-mail that you sent and	6	They love when you go into town, and you can
7	received in the ordinary course of business?	7	get Invicta and you can get the UFC. I mean,
8	A. Yes.	8	it's a big deal to them because they got a
9	Q. That's a question I have to ask for --	9	whole weekend of fights. And Cris Cyborg will
10	A. No, it's okay.	10	be on that card, which, you know, is a great
11	Q. All right. So looking at the first e-mail in	11	deal for them as well.
12	the chain, at the bottom of the page, it's an	12	Q. And why is it a great deal to have Cris Cyborg
13	e-mail from Marshall Zelaznik to you with a cc	13	on the card?
14	to Peter Dropick. Do you see that?	14	A. At that time I believe she was a UFC athlete.
15	A. Uh-huh.	15	Q. Okay. Finished with that document. Thank
16	Q. And Mr. Zelaznik writes, "Shannon, as	16	you.
17	mentioned in text yesterday, we want to try to	17	A. Uh-huh.
18	get the next Invicta event in L.A. on Friday,	18	(Deposition Exhibit 8 was marked for
19	February 27th. As mentioned, Pete, copied	19	identification.)
20	here, is working on locating a venue that	20	Q. (By Mr. Rayhill) Let me know when you're
21	would meet your needs." So did you understand	21	ready.
22	Pete to be a reference to Pete Dropick?	22	A. I'm ready.
23	A. Yes, I did.	23	Q. Okay. You've been handed what's been marked
24	Q. Do you know what Mr. Dropick's role was at	24	as Exhibit 8. It has the Bates number
25	Zuffa?	25	ZFL1119496. Do you recognize this document?

34 (Pages 130 to 133)

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	134		136
1	A. Yes.	1	take the pain away"?
2	Q. Can you tell me what it is?	2	A. I think I had to call him and ask him what he
3	A. It's an e-mail between me and Marshall	3	meant, to be honest with you. I was like --
4	regarding, once again, the February event I	4	you know, that they would in some way try to
5	had at the Shrine Auditorium in L.A.	5	help me cut those costs or, you know, do
6	Q. Is this an e-mail that you would have sent and	6	something to help me with those costs.
7	received in the ordinary course of business?	7	Q. Okay. And just so I know, the next part of
8	A. Yes.	8	that sentence says, I will get you the yearly
9	Q. Thank you. Okay. So at the bottom of the	9	calendar to see if, presumably, it meets your
10	page, Mr. Zelaznik writes to you, this is on	10	needs. Do you know what he meant by that?
11	January 19th, 2015, and he says, "When do you	11	A. No.
12	think we can announce this event? Any chance	12	Q. That's fine. All done with that document.
13	before this weekend so we can get into our on	13	A. Probably to pick my dates for the year, you
14	air on Fox?" And you respond later the same	14	know, what dates are available, and that would
15	day, this is in the middle of the page now,	15	be my guess.
16	and you say, "They still haven't finalized	16	Q. Okay.
17	Cyborg's contract yet." Then you say, "I have	17	(Deposition Exhibit 9 was marked for
18	some big concerns about the costs associated	18	identification.)
19	with this event." Can you tell me what you	19	A. I'm good.
20	meant by that statement?	20	Q. (By Mr. Rayhill) You've been handed what's
21	A. Exactly what it says. I had some big concerns	21	been marked as Exhibit 9. It has the Bates
22	about the cost of the event. You know, when	22	number ZFL-0914088. That's actually three
23	you go -- you pick an event up and you move it	23	documents. It's an e-mail with two
24	to an area like Los Angeles, you know, when	24	attachments. First attachment begins at 0 --
25	you take the cost of the venue, your	25	has the Bates number 091, and the second
	135		137
1	advertising, your hotel, I mean, everything	1	attachment has the Bates number -- I've got
2	increases, so that's what I'm conveying to him	2	them in reverse on my -- in any event, the
3	is that, you know -- and the timeline. We	3	attachments end in 090 and 091.
4	were getting really short on the timeline. If	4	Okay, all right. Do you recognize
5	you take a look, we're at -- the event was	5	this document?
6	supposed to be, I think, February -- I can't	6	A. Yeah.
7	remember. I just read it somewhere.	7	Q. Can you tell me what it is?
8	February 12.	8	A. We're back to -- it's the same thing, dealing
9	Q. I believe it was February 27th.	9	with a February event at the Shrine
10	A. Or something like that.	10	Auditorium. It's just us going back and forth
11	Q. The proposed date.	11	about what some of the costs are going to be
12	A. And this is dated on 1-20 or 1-19. I mean,	12	and things like that.
13	that window of -- you know, you're narrowing	13	Q. Okay. And is this an e-mail that you sent and
14	down on your timeline, so that was a big	14	received in the ordinary course of business?
15	concern for me.	15	A. Yes.
16	Q. But -- yeah, so the concern you expressed was	16	Q. Thank you. Okay. So the first e-mail in the
17	about the cost; is that correct?	17	chain, bottom of the page, it says, "Hey,
18	A. Oh, yeah, absolutely.	18	Marshall, I apologize for the delay in getting
19	Q. So Mr. Zelaznik responds, and he says, "Get me	19	this over to you. This was hard to put
20	the cost overages, and I will do my best to	20	together with no information on actual hard
21	take the pain away, and I will get you the	21	costs and not being able to reach all the
22	yearly calendar to see if it -- if meets your	22	vendors." And the only reason I wanted to
23	needs." I assume that's a typo. Okay. Can	23	bring that up is because there's two
24	you tell me what you understood Mr. Zelaznik	24	attachments to the document, but I wanted to
25	to mean when he said, "I will do my best to	25	establish that the two attachments are

SHANNON KNAPP - CONFIDENTIAL

214	216
<p>1 relationship with Cyborg, the UFC benefited by 2 making sure that she had fights and even 3 though they couldn't provide --</p> <p>4 A. Oh, yeah, for sure.</p> <p>5 MR. RAYHILL: Objection, calls for 6 speculation. Sorry.</p> <p>7 A. For sure, yeah, for sure.</p> <p>8 Q. (By Mr. Widnell) We talked a little bit about 9 the sale of the 115-pound division, and I 10 think Mr. Rayhill asked you whether or not you 11 have a 115-pound division now.</p> <p>12 A. Yes, I do.</p> <p>13 Q. It sounds like when you sold the contracts, 14 you sold the contracts for a significant 15 portion of the 115-pound division to UFC. How 16 quickly were you able to bring in equivalent 17 fighters?</p> <p>18 A. Like probably the next week. I think within 19 ten days I refilled the division.</p> <p>20 Q. So would you say that there's no shortage of 21 fighters right now that you could -- at that 22 time that you could have gotten?</p> <p>23 A. Yeah, I mean, yeah.</p> <p>24 Q. When you're looking for fighters, what 25 criteria do you use to pick out fighters to</p>	<p>1 fights?</p> <p>2 A. Absolutely. That's what, you know, I'm good 3 at, is picking young talent, and because 4 Invicta is all female, you know, and 5 we're not -- you know, there's not a lot of 6 men on the card, it's all women, I can build 7 stars very quickly, so...</p> <p>8 Q. So I think you just described a difference 9 between women's MMA fighting and men's MMA 10 fighting. Is that accurate? Would you say 11 that it's harder to build an MMA male fighter 12 as quickly as an MMA female fighter?</p> <p>13 MR. RAYHILL: Objection, calls for 14 speculation.</p> <p>15 A. In this day and age, it's -- you know, it's -- 16 you know, it's easy to build men as well. You 17 know, I think they're about the same. The 18 difference is trying to build a female athlete 19 in an organization that has men and only a 20 couple divisions for women, you know, you're 21 going to have a ton of male fights on that 22 card and only a couple female fights, where 23 Invicta we're all women, so the women are 24 going to circle through more frequently and 25 get more exposure, therefore, making it easier</p>
215	217
<p>1 contract with?</p> <p>2 A. Sign? First and foremost talent. You know, 3 that's always the biggest deals. I'm looking 4 for the most talented. You know, then you 5 apply everything else, you know, goes into it, 6 but talent is the major thing you're looking 7 for.</p> <p>8 Q. I think Mr. Rayhill asked about rankings. Do 9 you consider a fighter's rankings as part of 10 your criteria for making a decision on whether 11 or not to sign a fighter?</p> <p>12 A. Sometimes. It depends. You know, it's going 13 to depend, definitely depend. There are a lot 14 of athletes that are not ranked yet, but only 15 because they're young athletes, so I'm still 16 going to sign them based on the talent factor.</p> <p>17 Q. So with a young athlete that you're going -- 18 like that that you just described, could that 19 be an athlete that hasn't had a lot of fights 20 yet?</p> <p>21 A. Absolutely, yeah.</p> <p>22 Q. So do you feel you have the ability to pick 23 out fighters who are promising fighters even 24 if they haven't had a, you know, significant 25 number of fights in MMA -- professional MMA</p>	<p>1 to build them faster.</p> <p>2 Q. Are there differences between women's MMA 3 promotions and men's MMA promotions?</p> <p>4 MR. RAYHILL: Objection. Calls --</p> <p>5 A. Are there differences? Not to -- a little. I 6 mean, I provide a hair braider. I don't know 7 that they do that for the men, you know, so 8 there are certain differences and things like 9 that, but...</p> <p>10 Q. (By Mr. Widnell) Would you say that MMA 11 promotions for men are -- are widely known and 12 are very successful?</p> <p>13 MR. RAYHILL: Objection, calls for 14 speculation.</p> <p>15 A. Yeah, I mean...</p> <p>16 Q. (By Mr. Widnell) Would you say MMA promotions 17 for women are widely known and as successful 18 as men's divisions right now?</p> <p>19 A. Well, I think they're getting there. I think 20 that they're not that many. There's me, you 21 know, that are all women.</p> <p>22 Q. How long have there been women MMA promotions?</p> <p>23 A. Oh, well, there haven't been where they're all 24 female. Women have competed on the cards, you 25 know, for ten, however many years, but when it</p>
215	217
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SHANNON KNAPP - CONFIDENTIAL

<p style="text-align: right;">218</p> <p>1 comes to all female, you know, I think there 2 was a promotion years -- you know, maybe five, 3 six years ago that threw a few fights here and 4 there, but nothing that's been steady, like 5 what we do at Invicta.</p> <p>Q. And how long have men's MMA promotions been in existence?</p> <p>8 A. Oh, a long time, long time. I mean, early 9 '90s, maybe sooner. I wasn't involved back 10 then, so...</p> <p>Q. Would you say that women's MMA promoters or the business of promoting MMA fights for women is more of a nascent industry right now?</p> <p>14 A. Possibly, yeah.</p> <p>Q. At one point I think you were talking about the success of a recent Invicta event, and I think you talked about how it had gone up against March Madness.</p> <p>19 A. Yeah, pretty cool.</p> <p>Q. When you're competing for eyeballs for an audience, do you compete with Sports Center too?</p> <p>23 A. I think you're competing with everybody when 24 you're trying to get the eyeballs, you know, I 25 mean, everything, even reality series. You</p>	<p style="text-align: right;">220</p> <p>1 male and female, you know, my mother's -- 2 women love it that are my mom's age, so, yeah, 3 I think it's all over the board.</p> <p>Q. When you're competing for fighters to bring in fighters, which promoters do you compete with to -- when you're trying to sign a fighter?</p> <p>7 A. Everybody a little bit to a degree, you know. 8 Some are more aggressive. You know, I have 9 more competition with certain ones. You know, 10 can maneuver and do things that are not so 11 nice, but, yeah, you compete a little bit 12 about everybody. Even a little bit with the 13 UFC, even though we're on Fight Pass, there's 14 still going to be an athlete that they see, I 15 see, and we're both going to try to sign the 16 athlete.</p> <p>Q. So if you know that UFC is trying to sign an athlete, that doesn't stop you from trying to sign the athlete?</p> <p>20 A. Heck, no. I don't put UFC out in my 21 contracts. I'm not a feeder. I -- you know, 22 I really want to make this clear. I run my 23 promotion differently than all the other 24 promotions out there. You know, I can't ask 25 my athletes to fight hard for me if I'm not</p>
<p style="text-align: right;">219</p> <p>1 know, you're trying to get -- but to me, 2 you're kind of competing with everybody that's 3 got something going on that night.</p> <p>Q. Is there a specific demographic that you're targeting?</p> <p>6 A. Not really. I mean, you've got your typical 7 18 to 35, but you kind of target everybody. 8 We're all over the board.</p> <p>Q. When you were working at Strikeforce, was there a demographic that you were targeting?</p> <p>11 A. 18-to-35-year-old male.</p> <p>Q. Would that be a difference between your promotion and other promotions that tended to have a focus on men's --</p> <p>15 A. Yeah.</p> <p>Q. -- men's MMA promotions?</p> <p>17 A. Yeah.</p> <p>18 MR. RAYHILL: Objection, calls for speculation.</p> <p>20 A. You know, I think that it's pretty standard 21 across the board on the male side of the 22 sport. I think for us, at Invicta, you know, 23 I can look at our audience, and I can see 24 that, you know, 18 to 35, the young kids, the 25 mature -- what I consider mature audience with</p>	<p style="text-align: right;">221</p> <p>1 willing to fight hard for them and give them 2 the opportunities they're looking for. And I 3 assure you, every one of them wants to be in 4 the UFC. You know, it's not like anybody's 5 poaching or anybody's trying to take. This is 6 the dream, you know.</p> <p>Q. When you say that everybody wants to be in the UFC, is that because UFC has restricted the ability of other promoters to compete, or is it because of something unique to the UFC?</p> <p>11 A. I think it's the Broadway, it's the Q-Tip, 12 it's the Kleenex, it's the big stage that we 13 all look at, you know. This day and age, I 14 mean, there's a lot of options out there these 15 days, a lot of options, a lot more than there 16 were years and years ago, but there are 17 definitely options, and, you know, I don't 18 know why each one wants to, but it's something 19 that's important to them, you know.</p> <p>Q. So my question was is in any way UFC's ability to be attractive to professional MMA fighters a function of UFC doing things to hurt other --</p> <p>24 A. No.</p> <p>Q. -- fighters?</p>

SHANNON KNAPP - CONFIDENTIAL

<p style="text-align: right;">222</p> <p>1 MR. RAYHILL: Objection, calls for 2 speculation.</p> <p>3 A. I mean, no, I don't see that. I mean, I don't 4 see that.</p> <p>5 Q. (By Mr. Widnell) Has UFC ever done anything to 6 harm Invicta's ability to compete?</p> <p>7 A. No. Actually, they've been really good, you 8 know, in the business relationship, been 9 really good. Never stopped me, you know -- 10 yeah, I have nothing to complain. If I did, I 11 would tell you.</p> <p>12 Q. Did UFC ever do anything to harm Strikeforce 13 while you were working at Strikeforce to your 14 knowledge?</p> <p>15 A. Not that I saw. I mean, you always get that 16 rumor stuff, but never anything that, you 17 know, like a direct shot.</p> <p>18 Q. Okay. Did UFC ever do anything to your 19 knowledge to harm Affliction while you were 20 working at Affliction?</p> <p>21 A. Not that, you know, not that I'm -- both 22 companies bickered, but, like I told you 23 before, Todd would get drunk and do things. 24 It wasn't like, you know, I mean....</p> <p>25 Q. And did UFC to your knowledge do anything to</p>	<p style="text-align: right;">224</p> <p>1 go to Bellator on occasion. Would that be -- 2 would they go and fight for Bellator while 3 they were still under a contract with you?</p> <p>4 A. Uh-huh, I have a couple that are going to 5 fight over there every once in a while.</p> <p>6 Q. So are those -- are those fighters who are 7 fighting for Bellator currently under contract 8 with you?</p> <p>9 A. Yeah, and what they are is, once again, it's 10 that regional thing where Bellator will go 11 into market, maybe one of my athletes are 12 there, so they'll compete on the card and sell 13 tickets or something.</p> <p>14 Q. Do you regard that as co-promotion?</p> <p>15 A. No, no.</p> <p>16 Q. Would you describe yourself as someone who's 17 knowledgeable of the MMA industry?</p> <p>18 A. Yeah.</p> <p>19 Q. Is the term "elite professional MMA fighter" 20 widely understood within the MMA industry?</p> <p>21 MR. RAYHILL: Objection. Calls for 22 speculation.</p> <p>23 A. Repeat that just so I make sure I have a real 24 grasp of what you're saying.</p> <p>25 Q. (By Mr. Widnell) Sure. Is the term "elite</p>
<p style="text-align: right;">223</p> <p>1 harm IFC while you worked at IFC?</p> <p>2 A. No, not that --</p> <p>3 MR. RAYHILL: Objection, IFL.</p> <p>4 THE WITNESS: It's IFL.</p> <p>5 MR. WIDNELL: I'm sorry, IFL.</p> <p>6 THE WITNESS: That's okay.</p> <p>7 Q. (By Mr. Widnell) I think you also -- you spoke 8 about using Jewel fighters. When you have a 9 fighter from Jewel that you use in an event, 10 does that fighter, then, typically go back to 11 fight for Jewel, or do you try to hire that 12 fighter?</p> <p>13 A. No, I have a contract with them as well, but I 14 also -- they fight, you know, if the 15 opportunity comes there.</p> <p>16 Q. When a fighter for Jewel fights for you at an 17 event, do you regard that as co-promoting?</p> <p>18 A. Actually, no. I mean, once again, my 19 definition of co-promoting is more of the 20 billing. You know, that's what I think of is 21 you co-promote it like that, and I don't give 22 any kind of billing. Technically we are. You 23 know, if they have a contract there too, we're 24 co-promoting, but not...</p> <p>25 Q. And you also spoke about your fighters would</p>	<p style="text-align: right;">225</p> <p>1 professional MMA fighter" widely understood 2 within the MMA industry?</p> <p>3 A. I would think so.</p> <p>4 Q. Do you know what that term means?</p> <p>5 A. I know what I perceive it to mean. I mean, to 6 me an elite professional is one of our 7 top-tier MMA athletes.</p> <p>8 Q. Do you think that other people would share 9 your perspective of what that term means?</p> <p>10 MR. RAYHILL: Speculation, objection.</p> <p>11 A. I mean, the educated, you know, part of the 12 sport, you know, would definitely say that. I 13 mean, a typical fan, I don't know if they'd 14 know the difference if you're an MMA fighter 15 or if you're an elite.</p> <p>16 Q. (By Mr. Widnell) So using that term, would you 17 say that all UFC fighters are elite 18 professional MMA fighters?</p> <p>19 MR. RAYHILL: Objection, calls for 20 speculation.</p> <p>21 A. I would think that most people that compete 22 there, you know, are at a higher level. But 23 in my opinion, you know, it's going to be the 24 A level that I consider to be the elite MMA.</p> <p>25 Q. (By Mr. Widnell) So if I heard you correctly,</p>